IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 10846 of 2005

Between:

1 Syed Nizamuddin Hashim Yadullahi S/o.Sri Syed Mohammed Yakoob,
R/o H.No.16-4-607, Fateh Yab Khan Bazar,
Chanchalguda, Hyderabad.
2 Mr.Sayed Nusrath, S/o.Late Syed Khaleel Mohammed,
R/o.H.No.16-8-203, New Malakpet, Kaladera, Hyderabad.
3 Mohd.Osman, R/o.Late Mr.Mohd, Hussain,
R/o. House No.16-2-740/C/16/B, Plot NO.60, Asman Gadh Hills,
Malakpet, Hyderabad.
4 Syed Samiullah Shah Hussaini, S/o.Syed Noorullah Shah Hussaini,
R/o.H.No.3-6-586, 1st Floor, Street No.18,
Himayathnagar. Hyderabad.
5 Syed Rafiullah Hussaini, S/o.Syed Kaleemullah Hussaini,
R/o.H.No.20-4-310, Khilwat, Hyderabad.
6 Mohd. Arhaduddin Ansari, S/o.Mohd.Qamaruddin Ansari,
R/o.Flat NO.301, H.No.16-2-669 Nalgonda 'X' Road, Malakpet, Hyderabad.
7 Smt.Tasmeen Fatima, W/o.Vizarat Ali Khan,
R/o.22-3-288, Mir Alaam Mandi, Hyderabad.
8 Mohd. Adul Razzak, S/o.Mohd. Abdul Aziz,
R/o. H.No.17-3-222/10, Yakutpura, Hyderabad.
9 Mrs.Ameerunnisa Akhtar, W/o.Mr.Mohammed Ismail,
R/o. 16-8-933/1/A, New Malakpet, Hyderabad.
10 Mazharunnisa, W/o.M.A.Nayeem Areed,
R/o. Flat No.305, Moon Rock Hotel Complex, Nalgonda 'X' Road,
Malakpet, Hyderabad.
11 Sadatullah Khan, S/o.Md.Samiullah Khan,
R/o.Flat No.307, Moon Rock Hotel Complex, Nalgonda'X' Road,
Malakpet, Hyderabad.
12 Saniya Khan, D/o.Md.Samiullah Khan,
R/o.Flat No.306, Moon Rock Hotel Complex, Nalgonda'X' Road,
Malakpet, Hyderabad.
13 Tahira Anjum, W/o.Rasheed Abdul Azeez,
R/o.Flat No.304, Moon Rock Hotel Complex, Nalgonda'X' Road,
Malakpet, Hyderabad.
14 Mirza Mutiullah Baig, S/o.Mirza Shafiullah Baig,

R/o.22-8-587/2 Chatta Bazar, Hyderabad.

15 Mohd. Abdul Wazid, S/o.Mohd.Abdul Razack,
Owner of shop No.37, Moon Rock Hotel Complex,
Nalgonda'X' Roads, Malakpet, Hyderabad.

..... PETITIONERS

AND

1 The Assistant City planner, Circle No.1, Municipal Corporation of Hyderabad
Sardar Mahal, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad,
Tankbund, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1 and his staff dated 28-4-2005 orally asking the petitioners to handover their registered sale deeds and to vacate the premises by 5-5-2005, in exchange for a meagre unquantified compensation and threatening to demolish their shops and flats bearing Nos. 22, 36, 22/C, Flat No.309, shop No. 25, flat No.301, shop nos.31, 32, 38 flat no. 305, 307, 306, 304, shop no. 26 and 37 respectively, situated in the Moon Rock Hotel Complex, bearing municipal No.16-2-669, Nalgonda 'X' Road, Malakpet, Hyderabad, respectively, as illegal, void in contravention of Sections 146 and 147 of H.M.C. Act and the law laid down by this Hon'ble Court in W.P.No.3052 of 2003 dated 19-2-2003 following the Judgment of Division Bench of this Hon'ble Court, and to restrain the respondents from demolishing the petitioners shops/premises as stated supra without following the due process of law.

Counsel for the Petitioners : MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondents : MR.RAMA RAO GHANTA

The Court at the stage of admission, made the following :

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.10846 of 2005

ORDER:

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

The petitioners submit that they are the owners of the properties mentioned in the writ petition and that the respondents without following due procedure prescribed under the law and without paying any compensation either by way of private negotiations or by way of initiating land acquisition proceedings are proceeding to take away the properties in utter violation of the principles of natural justice as well as Sections 146 and 147 of the Hyderabad Municipal Corporation Act.

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law or private negotiations.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to demolish or take away the properties of the petitioners without following due process of law or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

(V.ESWARAIAH, J)

Dt: 24.05.2005

bsv/lvl

To

1 The Assistant City planner, Circle No.1, Municipal Corporation of Hyderabad
Sardar Mahal, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad,
Tankbund, Hyderabad.

3 Two CD copies